

FILED  
U.S. DISTRICT COURT  
SAVANNAH DIV.

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA SEP 28 PM 2:28  
SAVANNAH DIVISION

GERALD LERNER,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CLERK  
SO. DIST. OF GA.

CASE NOS. CV411-321  
CR410-048

O R D E R

Before the Court is the Magistrate Judge's Report and Recommendation (Doc. 16), to which no objections have been filed. After a careful de novo review of the record, the report and recommendation is **ADOPTED** as the Court's opinion in this case, and the Petition is **DENIED**. The Clerk of Court is **DIRECTED** to close this case.

Pursuant to 28 U.S.C. § 2253(c), an appeal may not be taken in this matter unless the court issues a Certificate of Appealability. This certificate may issue only if Petitioner has made a substantial showing of the denial of a constitutional right. Slack v. McDaniel, 529 U.S. 473, 484 (2000). After careful consideration, the Court finds no issues in this case that merit the issuance of a Certificate of Appealability. As a result, any request for

leave to appeal in forma pauperis must be **DISMISSED AS**  
**MOOT.**

SO ORDERED this 28<sup>th</sup> day of September 2012.

A handwritten signature in black ink, appearing to read "W. T. Moore, Jr.", written over a horizontal line.

WILLIAM T. MOORE, JR.  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA